

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of Evergy Metro, Inc. d/b/a Evergy )  
Missouri Metro’s Notice of Intent to File an ) **File No. EO-2023-0369**  
Application for Authority to Establish a Demand- )  
Side Programs Investment Mechanism )

In the Matter of Evergy Missouri West, Inc. d/b/a )  
Evergy Missouri West’s Notice of Intent to File an ) **File No. EO-2023-0370**  
Application for Authority to Establish a Demand- )  
Side Programs Investment Mechanism )

**MOTION TO PROVIDE SUR-SURREBUTTAL TESTIMONY IN RESPONSE TO  
EVERGY WITNESS KEVIN GUNN, MOTION FOR ADDITIONAL INFORMATION,  
AND MOTION FOR EXPEDITED TREATMENT**

**COMES NOW** the Staff of the Missouri Public Service Commission (“Staff”) and hereby (1) moves for an order from the Commission permitting parties to provide live sur-surrebuttal testimony in response to Evergy Metro, Inc. d/b/a Evergy Missouri Metro and Evergy Missouri West, Inc. d/b/a Evergy Missouri West (collectively, “Evergy”) witness Kevin Gunn, (2) moves for an order from the Commission directing Evergy to provide information regarding its alternative MEEIA authorization request, and (3) moves for expedited treatment of its motion. In support thereof, Staff states as follows:

1. Surrebuttal testimony is defined under Commission Rule 20 CSR 4240-2.130(7)(D) as follows:

Surrebuttal testimony shall be limited to material which is responsive to matters raised in another party’s rebuttal testimony.

2. Although presented under the guise of surrebuttal testimony, Evergy witness Kevin Gunn’s surrebuttal testimony, page 3 line 17 through page 6 line 15, is titled “Response to August 7, 2024 Commission Agenda and Discussion.” Mr. Gunn also attached Schedule KG-1, which broadly outlines an alternative MEEIA authorization request in response to the above referenced Commission discussion.

3. As required under Commission Rule 20 CSR 4240-2.130(7)(D), surrebuttal testimony must be responsive to matters raised in another party's rebuttal testimony. A motion to strike is warranted, but because Mr. Gunn directed this portion of his surrebuttal to address concerns voiced by the Commission during its discussion on August 7, 2024, Staff instead requests an opportunity for parties to provide live sur-surrebuttal to advise the Commission on Evergy's alternative MEEIA request. The *List of Issues, List and Order of Witnesses, Order of Opening Statements and Order of Cross-Examination*, filed on August 23, 2024, contemplated addressing this issue on the first day of the hearing, September 3, 2024. Staff requests that the Commission issue an order permitting live sur-surrebuttal in response to Evergy's alternative MEEIA request when the issue is brought before the Commission on September 3, 2024.

4. In order for the Commission to know if Evergy has addressed its concerns with this alternative MEEIA request, Staff also respectfully requests that the Commission order Evergy to provide the following information in advance of the hearing, for each program at the level identified by Mr. Gunn in Evergy's alternative MEEIA request:

- a. Cash to be paid to ultimate customers;
- b. Cash value of products to be provided to ultimate customers;
- c. Cash value of work to be provided to ultimate customers;
- d. Cost of Evaluation, Measurement, & Verification ("EM&V");
- e. Cash to be paid to implementors;
- f. Advertising:
  - (1) Literal placements/printing/web costs;
  - (2) Cost of material/copy development in advertising;
  - (3) Cost of internal labor; and

- g. Description of any other external cash payouts arising from Evergy's alternative MEEIA request.

5. Given the short amount of time remaining prior to the evidentiary hearing in this matter, the Commission should act on this motion as soon as possible, preferably no later than August 28, 2024, given that the hearing is currently scheduled to commence on September 3, 2024. This motion is being filed as soon as it could have been. Granting this motion will also avoid the harm inherent in what would otherwise amount to sanctioning Evergy's failure to comply with the Commission's rules if the motion were not granted.

**WHEREFORE** Staff respectfully moves the Commission for an order permitting parties to provide live sur-surrebuttal testimony in response to Evergy witness Kevin Gunn, for an order from the Commission directing Evergy to provide the requested information herein, and for expedited treatment of this motion as soon as possible, preferably no later than August 28, 2024.

Respectfully submitted,

**/s/ Travis J. Pringle**

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**Attorneys for the Staff of the  
Missouri Public Service Commission**

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all parties and/or counsel of record this 26th day of August 2024.

**/s/ Travis J. Pringle**